

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS MYERS.

Case No. 3:16-CV-0491-RCJ (VPC)

Plaintiff.

REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE

Y.

DEPUTY LOPEZ, et al.,

Defendants.

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reason set forth below, it is recommended that defendant Deputy Sheriff Gonzales be dismissed.

On August 22, 2017, plaintiff submitted a motion to voluntarily dismiss Deputy Sheriff Gonzales from this action (ECF No. 23). This defendant has not been served with process and is currently deployed on military duty overseas.

Based upon the foregoing, the undersigned magistrate judge recommends that the motion to dismiss this defendant (ECF No. 23) be **GRANTED** and Deputy Sheriff Gonzales be dismissed without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within fourteen days of receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the

District Court.

2. This report and recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

RECOMMENDATION

For the reason stated above, the undersigned Magistrate Judge recommends that the District Court enter an order **GRANTING** the motion to dismiss Deputy Sheriff Gonzales (ECF No. 23) without prejudice.

DATED: August 28, 2017.

Valerie P. Polcer
UNITED STATES MAGISTRATE JUDGE